

REPORT

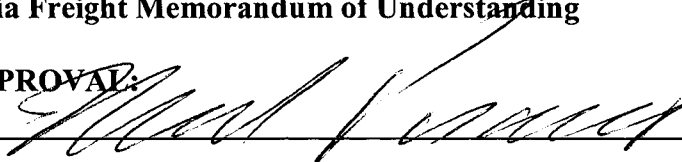
DATE: May 3, 2007

TO: Regional Council

FROM: Mike Jones, Assistant Regional Planner, (213) 679-3049, jonesm@scag.ca.gov

SUBJECT: Southern California Freight Memorandum of Understanding

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION:

The purpose of the recommended action is to authorize the Executive Director of the Southern California Association of Governments (SCAG) to be the signatory party to the Southern California National Freight Gateway Strategy Memorandum of Understanding on behalf of the Regional Council.


BACKGROUND:

Early and active involvement by federal and state agencies in formulation of the freight movement and environmental improvement strategy is entirely consistent with the directive of National Environmental Policy Act (NEPA) Section 101, and is appropriate because Southern California's freight challenge is substantially an outgrowth of federal and state policies on transportation and international trade. Efforts by the regional transportation agencies over the past year are designed to formalize shared responsibility for development and implementation of the freight movement and environmental improvement strategy among federal, state, and regional agencies. In particular, these efforts are intended to change the federal and state agencies' role from review of and reaction to a final product, to collaboration in, and shared responsibility for, development and implementation of the strategy. Benefits are expected to include more timely development, approval, and delivery of infrastructure projects, and increased acceptance of federal and state responsibility to address air quality challenges, many of which that fall principally within the regulatory purview of the U.S. Environmental Protection Agency and the California Environmental Protection Agency.

FISCAL IMPACT:

The associated budget impact for this action is captured in the Overall Work Program WBS# 07-130 SCG05 and WBS# 07-730 SCGC1.


Reviewed by:


Division Manager

Reviewed by:


Department Director

Reviewed by:


Chief Financial Officer

SOUTHERN CALIFORNIA NATIONAL FREIGHT GATEWAY

PARTNERSHIP AGREEMENT

AMONG FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES

Preamble

We the undersigned support a cooperative partnership for the Southern California National Freight Gateway that concurrently addresses growing freight throughput capacity balanced with environmental and community concerns in the Southern California National Freight Gateway Area (the Area). The USDOT has promulgated a *National Strategy to Reduce Congestion on America's Transportation Network*. The strategy incorporates a focus on major freight bottlenecks, including the Area, and expanding public outreach in the Area with various involved agencies and other public and private interests. This *National Strategy* incorporates the ideals of the USDOT *Framework for a National Freight Policy*. The *Framework* offers a vision and objectives to help public and private transportation stakeholders cooperatively pursue freight transportation improvements that support economic growth while also improving environmental quality.

The Challenge

Over 40 percent of all goods imported into the U.S. flow through Southern California, the largest port complex in the U.S., with the vast majority of these goods distributed throughout the country. The combination of increasing freight flows, the projected 25 percent population increase by 2030 and inadequate transportation infrastructure funding will intensify the congestion in the region's already overcrowded transportation system and increase hazards to the environment. Without major actions and assistance from all government levels to protect and enhance the environment, freight movements through the region will increase the already significant impacts on the quality of life in Southern California's communities and the environment overall. Air quality is of particular concern.

Pursuing sustainable and efficient regional freight transportation operations offers significant economic opportunities to the region in the form of additional business, more and better quality jobs, and enhanced local, State and federal tax revenues. Successful transportation improvement efforts in Southern California will require extensive collaboration by a large and diverse group of interested parties including Federal, State and numerous local entities; private industry; unions and the public. Important steps have already been taken at the Federal, state and local levels. Going forward, the outcome to be achieved is the priority connection of freight growth with protection and enhancement of the natural and human environment, to resolve the freight transportation issues facing Southern California.

Purpose

The purpose of this partnership agreement is to promote cooperation, coordination and collaboration among the signatories in the spirit of Section 101(a) of the National Environmental Policy Act (NEPA) and to advance projects for sustainable and efficient freight

transportation operations while all signatories pursue their normal responsibilities under the law. This agreement is not intended to limit, increase or affect the authority of any agency under the law. The undersigned agree to a mutual, overarching goal of working with all stakeholders in the Area to improve freight throughput capacity while protecting and enhancing the natural and human environment.

Commitments

In the spirit of Section 101(a) of NEPA and with the mutual understanding that this is a flexible working agreement among our respective agencies, we commit as follows:

- The Partners agree to use this agreement as the basis for a collegial and cooperative alliance to improve sustainable and efficient freight transportation operations in the Area, with a particular focus on air quality improvements;
- The Partners agree to use this forum as a means to promote better understanding among all stakeholders of underlying considerations and potential impacts and alternatives for proposed Southern California transportation projects.
- The Partners will develop a strategic framework for achieving sustainable and efficient freight transportation operations in the Area in harmony with California's Goods Movement Action Plan (<http://www.arb.ca.gov/gmp/docs/gmap-1-11-07.pdf>), including the assurance that all new freight projects meet environmental requirements, with an early focus on air quality issues;
- The Partners will consider improvements to the transportation decision-making and environmental review processes to expeditiously advance the objective of the Partnership;
- The Partners agree to build upon the existing environmental programs of ports and their tenants in order to work cooperatively to reduce air quality-related freight movement emissions consistent with the Area's air quality implementation plan;
- The parties will establish agreed procedures and protocols in order to carry out the intent of this agreement in an efficient manner;
- Within 60 days of the signing of this agreement, senior management representatives of the Partners will meet, and will continue to meet twice a year through the term of this agreement, to discuss emerging problems, issues and priorities for each organization, and to report on the status of the initiatives;
- In addition, each Partner will assign a contact person, within their respective organization, who will serve on a Steering Committee that will be responsible for setting the semi-annual meetings, tracking the status of the initiatives, and communicating results to internal and external stakeholders;
- The Partners agree to update this agreement periodically based upon accomplishments and new priorities.

Miscellaneous

The expenditure or advance of any money or the performance of any obligation of the United States under this agreement shall be contingent upon appropriation or allotment of funds in accordance with 31 USC 1341 (Anti-Deficiency Act).

Nothing in this Partnership Agreement shall have the effect of changing any existing provision of applicable Federal or State law, regulations, or other agreements between the signatory agencies. All provisions of this Partnership Agreement are intended and shall be interpreted to be consistent with all applicable provisions of Federal and State law. Nothing in this Partnership Agreement limits the discretion of the signatory agencies in carrying out their statutory and regulatory obligations.

The term of this agreement shall end on December 31, 2015 unless further extended by the signatories. Any signatory may withdraw from this agreement by giving 90 days prior written notice to the other signatories.

IN WITNESS WHEREOF, the parties have signed this partnership agreement on the dates set forth below their signatures.

[The following signature blocks should be revised and completed as necessary by the individual organizations]

FEDERAL AGENCIES

Signature _____
Printed Name & Title _____
Deputy Maritime Administrator
Maritime Administration
U.S. Department of Transportation
Date: _____

Signature _____
Printed Name & Title _____
Regional Administrator for the Pacific Southwest Region
U.S. Environmental Protection Agency
Date: _____

Signature _____
Printed Name & Title _____
Manager of California and Nevada operations
U.S. Fish and Wildlife Service
U.S. Department of the Interior
Date: _____

Signature _____
Printed Name & Title _____
Division Engineer representing the South Pacific Division
U.S. Army Corps of Engineers
Date: _____

Signature _____
Printed Name & Title _____

Regional Administrator for the Southwest Region
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
Date: _____

STATE OF CALIFORNIA

Signature _____
Printed Name & Title _____
Business, Transportation and Housing
Date: _____

Signature _____
Printed Name & Title _____
California Resources Agency
Date: _____

Signature _____
Printed Name & Title _____
Environmental Protection Agency
Date: _____

REGIONAL/LOCAL AGENCIES

Signature _____
Printed Name & Title _____
Southern California Association of Governments
Date: _____

CTCs

Signature _____
Printed Name & Title _____
Los Angeles County Metropolitan Transportation Authority
Date: _____

Signature _____
Printed Name & Title _____
San Bernardino Associated Governments
Date: _____

Signature _____
Printed Name & Title _____

Riverside County Transportation Commission

Date: _____

Signature _____

Printed Name & Title _____

Orange County Transportation Authority

Date: _____

Signature _____

Printed Name & Title _____

Ventura County Transportation Commission

Date: _____

Signature _____

Printed Name & Title _____

Imperial County

Date: _____

PORTS

Signature _____

Printed Name & Title _____

Long Beach Board of Harbor Commissioners

Date: _____

Signature _____

Printed Name & Title _____

Los Angeles Board of Harbor Commissioners

Date: _____

Signature _____

Printed Name & Title _____

Port of Hueneme, Oxnard Harbor District

Date: _____